

**EXHIBIT 1**

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT HUNTINGTON

\_\_\_\_\_  
IN RE: MDL NO.  
ETHICON, INC., 2:12-MD-02327  
PELVIC REPAIR SYSTEM PRODUCTS  
LIABILITY LITIGATION

\_\_\_\_\_  
THIS DOCUMENT RELATES TO ALL CASES :  
\_\_\_\_\_

TELEPHONIC MOTION HEARING  
BEFORE THE HONORABLE CHERYL A. EIFERT,  
UNITED STATES MAGISTRATE JUDGE  
WEDNESDAY, FEBRUARY 11, 2015

CATHERINE L. SCHUTTE-STANT, RMR, CRR  
Federal Official Court Reporter  
300 Virginia Street, East  
Room 6009  
Charleston, WV 25301  
(304) 347-3151

1       apply in many respects to all products. But as to the law  
2       issue, the very scenario you were talking about where going  
3       from one state to the next is exactly what we're trying to  
4       avoid and exactly what we think the MDL could hopefully  
5       avoid by looking at the issue of the choice of law and  
6       issuing a ruling that other state courts might -- maybe they  
7       disagree with it, but at least there's a ruling by the Court  
8       that is adjudicating the claims with respect to tens of  
9       thousands of these plaintiffs and speaking to the choice of  
10      law issue. And we would be happy to make a submission or an  
11      application to this Court to try and sort through that issue  
12      if that would be appropriate.

13               THE COURT: I think that would be a place to  
14      start, as, again, I don't think there's much I can do about  
15      the issue currently pending in Texas. I mean, if there's  
16      already a motion pending in front of the judge there, I  
17      don't know what I can do about that. But I do think going  
18      forward, I think the first issue would be to figure out if  
19      it is going to all be determined by New Jersey law. And I  
20      don't even know whether you have to do -- what kind of  
21      analysis you would have to do to figure out the choice of  
22      law. That's even going to vary from state to state. I  
23      don't know, because I haven't given it enough thought.

24               MR. AYLSTOCK: Your Honor, this is Bryan Aylstock  
25      again. Again, I'm reaching way back into my memory banks,

1 MR. BERNARDO: Your Honor, this is Rich Bernardo.  
2 We will try and do what we can to try and make it a simple  
3 and streamlined process, and maybe starting with these  
4 documents at issue may help guide the parties in terms of  
5 other issues.

6 THE COURT: The first thing I want from Ethicon is  
7 some kind of a motion filed. And I think the motion's got  
8 to address the choice of law. And, I mean, I -- you know, I  
9 think to me, I don't -- as I said and I think as Mr.  
10 Aylstock followed up on, I'm not sure even that issue is  
11 going to be the same from state to state. Hopefully it will  
12 be, or there would at least be a majority of jurisdictions  
13 that would agree that it's either done on a state-by-state  
14 basis or it's going to all be governed by New Jersey law.  
15 But that to me is the major issue.

16 I think from the standpoint of the MDL, the involvement  
17 of the MDL in the actual reviewing of the documents is going  
18 to depend a great deal on whether New Jersey law governs or  
19 individual state law governs. Not to say that the MDL won't  
20 still be involved, but I think that there will be a  
21 difference in the level of involvement.

22 If that makes any sense. Does that make sense?

23 UNIDENTIFIED SPEAKER: It does, Your Honor, it  
24 does and we will prepare a submission that addresses that  
25 for you.